

CHAPTER 18

Building Regulations

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ARTICLE I

Building Board of Appeals

Sec. 18-1. Creation of Building Board of Appeals.

In order to determine the suitability of alternate materials and methods of construction, to provide for reasonable interpretations of the various building and construction codes adopted by the Town and to hear appeals from decisions or orders of the Building Official, there shall be and is created a Building Board of Appeals consisting of all of the duly elected, qualified and acting members of the Board of Trustees, or such other persons as the Board of Trustees may appoint. The Building Official shall be an ex officio member of the Building Board of Appeals. (Prior code 15.20.010; Ord. 1-2001 §1)

Sec. 18-2. Powers of Building Board of Appeals—appeals and variances.

The Building Board of Appeals shall hear and determine appeals from the decisions and orders of the Building Official concerning the enforcement, interpretation and/or modification of the various building and construction codes adopted by the Town. In addition, the Building Board of Appeals shall have the power, in its discretion, to approve the use of alternate materials and methods of construction, provided that an applicant demonstrates that the proposed design, materials or method of work is at least equivalent to that prescribed in the applicable building code in suitability, strength, effectiveness, fire resistance, desirability, safety and sanitation, together with such other reasonable criteria as may be required by the Building Board of Appeals. Further, whenever there are practical difficulties involved in carrying out the provisions of the various building and construction codes adopted by the Town, the Building Board of Appeals may grant modifications thereto in individual cases, provided that the applicant shall first demonstrate that a special reason or hardship makes the enforcement of the strict letter of the applicable code impractical, and that the requested modification is in conformity with the spirit and purpose of the applicable code and such modification does not lessen any fire protection, health or safety requirement, or any degree of structural integrity. Requests for variances from the provisions of the building and construction codes, or requests to use alternative materials or construction methods, shall be submitted in writing to the Town Clerk and shall be heard and voted upon by the Building Board of Appeals at a public meeting. (Prior code 15.20.020; Ord. 1-2001 §1; Ord. 7-2002 §1)

Sec. 18-3. Appeals from decisions of Building Official.

(a) Appeals to the Building Board of Appeals may be taken by any person subject to and aggrieved by a decision of the Building Official or other Town enforcement official made under this Chapter. Such appeal shall be taken within ten (10) days from the date of the decision sought to be appealed by filing with the Town Clerk a written notice specifying the grounds thereof and paying any applicable filing fee. The Town Clerk shall notify the Building Official of the appeal and promptly transmit to the Building Board of Appeals all papers constituting the record upon which the action or decision being appealed was taken. A timely appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Building Board of Appeals that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining

order which may be granted by the Building Board of Appeals or by a court of competent jurisdiction for good cause shown on notice to the Building Official.

(b) The Building Board of Appeals shall fix a reasonable time and place for a hearing on an appeal and shall direct the Town Clerk to send notice thereof in writing by regular mail to the parties not less than ten (10) days in advance. Any interested party may appear in person or by agent at the hearing and be heard. Absent good and just cause, the failure of an appellant to attend the hearing on his or her appeal shall constitute an abandonment of the appeal and no further proceedings shall be had thereon. Appeals shall be heard and determined in a reasonably prompt fashion.

(c) The concurring vote of four (4) members of the Building Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter. Final decisions of the Building Board of Appeals shall be reduced to writing and signed by the chairperson, shall set forth a plain statement of the grounds and reasons therefor and shall be delivered to the appellant and all other interested persons. (Prior code 15.20.030; Ord. 1-2001 §1)

Sec. 18-4. Consultants.

The Building Board of Appeals shall have the power to retain or consult with individuals who, in the opinion of the Building Board of Appeals, have special expertise in the particular field involved in an appeal or request for variance, and to give the opinions of such consultants such weight as the Building Board of Appeals shall deem appropriate. (Prior code 15.20.040; Ord. 1-2001 §1)

Sec. 18-5. Delegation of authority.

(a) The Board of Trustees may appoint five (5) persons to comprise and serve as the Building Board of Appeals under this Article as an alternative to the Board of Trustees performing such functions as specified in Section 18-1 above. Appointees need not be qualified electors of the Town and shall be selected on the basis of their experience or expertise, if any, in the construction and building trades. Appointees shall serve four-year terms and may be reappointed to office without limit. The Board of Trustees may also appoint two (2) alternate members who shall serve four-year terms and perform the duties and responsibilities of a regular member in the absence or disqualification of a regular member, or in the event of a vacancy on the board. The Building Official shall serve as an ex officio member of the board, and the Town Clerk shall serve as secretary to the board.

(b) Any Board of Appeals appointed under this Section shall have the same power and authority as described and vested by this Article in the Building Board of Appeals and shall perform its duties and responsibilities consistent therewith; except that a concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of an applicant on any matter upon which the board is required to pass under this Chapter. All decisions of the Building Board of Appeals shall be final. (Ord. 1-2001 §1)

Secs. 18-6—18-20. Reserved.

ARTICLE II

Building Code

Sec. 18-21. Adoption of building codes and specified Chaffee County building regulations.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference as the building code of the Town for buildings and structures other than one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and their accessory structures, Chapters 1 through 35 and Appendix I of the International Building Code, 2006 edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the primary purpose of protecting the public health, safety and welfare.

(b) Pursuant to Title 31, Article 16, Part 2, C. R. S., there is hereby adopted by reference as the building code of the Town for one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, Chapters 1 through 43 and Appendices A, B, G, H, J and O of the International Residential Code, 2006 edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-22 of this Article. The subject matter of the adopted code includes regulations for the construction, repair and maintenance of one- and two-family dwellings and townhouses for the purpose of protecting the public health, safety and welfare.

(c) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is also hereby adopted by reference as supplemental building regulations to the Town's building and construction codes, the Chaffee County Minimum Footing and Foundation Requirements, the Chaffee County Insulation and Window Requirements, and the Chaffee County Basic Snow Design Loads and Snow Load Areas Map, adopted and published by the Board of County Commissioners for Chaffee County, Colorado, P.O. Box 699, Salida, Colorado 81201, pursuant to Chaffee County Board of County Commissioners Resolution 2002-9, dated April 16, 2002, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted regulations includes standards for the construction, repair and maintenance of buildings and structures for the primary purpose of protecting the public health, safety and welfare. (Ord. 9-1993 §1; Ord. 7-2002 §2; Ord. 7-2007 §§2,3)

Sec. 18-22. Amendments and deletions.

(a) The International Building Code (IBC) as adopted by the Town pursuant to Section 18-21 above is amended with respect to the following sections and/or provisions:

(1) Section 101.1 is amended by adding, " ... Building Code of The Town of Buena Vista, Colorado ... "

(2) Section 101.4.1, Electrical, is amended in its entirety to read:

"The electric code shall be the National Electrical Code, 2005 Edition. For structures built under the provisions of the IRC, the requirements of Part VIII-Electrical shall be equivalent to the NEC. Any references in this code to the ICC Electrical Code shall instead refer to the 2005 NEC."

(3) Section 101.4.4 is amended by replacing "International Private Sewage Disposal Code" with "Town of Buena Vista On-site Wastewater Treatment System Regulations."

(4) Section 101.4.5, Property maintenance, is amended in its entirety to read:

"All references to provisions of the Property Maintenance Code shall not apply unless specifically adopted by the appropriate governing body."

(5) Section 101.4.6, Fire prevention, is deleted and replaced with the following:

"The International Fire Code as adopted by the Town of Buena Vista Commissioners shall apply."

(6) Section 105.1 is amended by adding:

"A permit application will not be accepted unless it includes the appropriate approval from agencies or departments governing zoning, water supply, wastewater treatment and access."

(7) Section 105.1.1, Annual permit, is deleted.

(8) Section 105.1.2, Annual permit records, is deleted.

(9) Section 105.2.5 is amended by adding to the beginning of the clause:

"Other than cisterns for fire and domestic water supply water tanks, ... "

(10) Section 106.2 is amended by adding:

"Plans shall also include location of utilities, private well and wastewater sites, ditches, rivers, lakes, drainages, slopes greater than 30%, accesses, bridges and road grade."

(11) Section 106.3.2, Previous approvals, is deleted.

(12) Section 108.3 is amended in its entirety to read:

"Valuation shall be established using the procedures outlined in Exhibit I."

(13) Section 202, Definitions, is amend-ed by the addition of the following new or amended definitions:

"Design Professional. Colorado State licensed Architect or Engineer.

"Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and with open space on at least

two sides. A legal property line shall separate the units along the common walls."

(14) Section 901.1, Scope, is amended in its entirety to read:

"The provisions of this chapter shall specify where fire protection systems are required. The design, installation, and operation of the fire protection systems must be in compliance with Colorado State Law."

(15) Section 901.2, in the exception, is amended by replacing the clause "this code" so that the provision reads:

" ... that such system meets the requirements of the fire official having jurisdiction."

(16) Section 1608.2, Ground snow loads, is amended by adding:

"Snow load shall be determined by the map and table located at Exhibit J.1 and J.2."

(17) Section 1609.3, Basic wind speed, is amended by replacing the clause so that the provision reads:

"Basic wind speeds determined by the local jurisdiction shall be 90 mph for a three-second gust."

(18) Section 1805.2.1 is amended in its entirety to read:

"Depth of footing for frost protection shall be governed by Exhibit K."

(19) Section 2701.1, Scope, is amended by replacing the clause so that the provision reads:

" ... of the 2005 National Electrical Code."

(20) Section 3410.2, Applicability, is amended by replacing the bracketed language in the insert area with the following:

"the effective date of adoption of building codes within the jurisdiction."

(b) The International Residential Code (IRC) as adopted by the Town pursuant to Section 18-21 above is amended with respect to the following sections and/or provisions:

(1) Section R101.1 is amended by adding:

" ... Dwellings of the Town of Buena Vista, Colorado, and ... "

(2) Section R101.4 is amended by adding:

"For structures built under the provisions of the IRC, the requirements of Part VIII-Electrical shall be equivalent to the NEC. Any references in this code to the ICC Electrical Code shall instead refer to the 2005 NEC."

(3) In Section R102.7, references to the International Property Maintenance Code and the International Fire Code shall be deleted.

(4) Section R105.1 is amended by adding the following:

"A permit application will not be accepted unless it includes the appropriate approval from agencies or departments governing zoning, water supply, wastewater treatment and access."

(5) The title of Section R105.2 is changed to "Work exempt from permit," and the section is amended as follows:

"Building:

"1. ... floor area does not exceed 200 square feet. No sleeping use is permitted.

"4. ... exceed 2 to 1. Fire and domestic water cisterns require a cistern permit.

"5. ... and raised platforms and decks less than 30" above grade."

(6) Section R105.3.2 is deleted.

(7) Section R106.2 is amended by adding the following:

"Plans shall also include utilities, private well and wastewater sites, ditches, rivers, lakes, drainages, slopes greater than 30 degrees, access, bridges and road grade."

(8) Section R108.3 is amended in its entirety to read:

"Valuation shall be established using the procedures outlined in Exhibit I."

(9) Section R109.1.1, Foundation inspection, is amended by adding the following:

"After initial pre-pour inspection, the building official may allow photo documentation of corrections for defects in lieu of a re-inspection prior to pour, provided the inspection report states photo documents will be permitted."

(10) Section R110.1, is amended by adding the following to "Exceptions":

"2. Accessory buildings or structures without habitable space or decks, porches, or minor remodels (remodels other than room additions)."

(11) Section R202, Definitions, is amended by the addition of the following new or amended definitions:

"Design Professional. Colorado State licensed Architect or Engineer.

"Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. A legal property line shall separate the units along the common walls."

(12) Insert Table R301.2(1):

"Ground Snow Load	see Chaffee County Table
Wind Speed	90 mph 3 second gust
Seismic design category	C
Weathering	severe
Frost depth	varies (see Exhibit K to Ordinance 7-2007)
Termite	none to slight
Winter design temp	(-16 Fahrenheit)
Ice barrier underlayment required	no
Flood hazard	see FEMA maps
Air freezing index	1166
Mean annual temp	43.9 Fahrenheit"

(13) Section R311.5.3.3 is amended by adding the following to "Exceptions":

"3. Interior risers may allow passage of a 6" diameter sphere."

(14) Section R312.2 is amended by adding the following to "Exceptions":

"3. A 6-inch sphere for exterior decks and balconies shall be permitted upon written request and when approved by the building official."

(15) Section R319.1.4, Wood columns, is amended by adding the following:

" ... wood. Heavy timber or log columns may be used when approved by the building official."

(16) Section R320, Protection against termites, is deleted.

(17) Section R322.1, Scope, is amended to read:

"Where there are seven or more "

(18) Section R402.1, Wood foundations, is amended in its entirety to read:

"Shall be designed by a licensed Design Professional in accordance with IRC Chapter 4 and have prior approval of the building official."

(19) Section R403 is amended to begin with the following statement:

"The Chaffee County Minimum Footing/Foundation Requirements (see Exhibit K to Ordinance 7-2007) shall be used to construct such footings and foundations described in this section, or a design professional may use the provisions of this section to design these elements."

(20) Section R403.1.4 is amended to include the following:

"Exception: Where topsoil and vegetation have been removed and soils are stable and included in Group I or II of Table R405.1, footings are not required to be 12" into undisturbed ground."

(21) Section R404.4.7.1 is amended to include the following:

"Exception: ICF walls of detached accessory buildings and garages without habitable space and attached garages with a 1-hour separation from the dwelling unit do not require a thermal barrier."

(22) Section R408.4 is amended to add the following:

"An unobstructed pathway from the access to each remote end of the structure must be maintained, in addition to an 18" clearance throughout."

(23) Section M1503.1, General, is amended by the addition of the following:

"In spaces where a gas outlet is provided for a range, hoods or downdraft vents shall be installed at ranges and shall discharge..."

(24) Section G2406.2 is amended by adding the following:

" ... except with prior approval of the building official and where..."

(25) Section G2411.1 is deleted and replaced by the following:

"As required by E3509.7."

(26) Section G2414.5.2 is amended in its entirety to read:

"Copper tubing, fittings or pipe shall not be installed downstream of the riser."

(27) Section G2415.4 is amended by the addition of the following:

"Gas piping shall daylight immediately prior to penetrating the foundation."

(28) G2427.8 is amended so the provision reads:

"The bottom of the vent terminal and air intake shall be located at least 18" above grade."

(29) Section P2708.1 is amended by deleting Exception 2.

(30) Section E3501.3 is amended by adding the following:

" ... structure. Townhomes shall be considered separate structures."

(31) Section E3501.6.2, Service disconnect location, is amended so the provision reads as follows:

"The service disconnecting main shall be installed at a readily accessible location outside of a building at the point of entrance of the service conductors or at the location of the meter, transformer or pedestal when approved by the AHJ."

(32) Table R302.1 of the adopted International Residential Code is amended to add an asterisk after the side setback dimension for "Minimum Fire Separation Distance" for Walls and Projections that are not fire resistance rated, as follows:

"* For Planned Unit Developments that have been approved prior to the adoption of the 2006 International Residential Code and have vested approvals permitting fire separation less than the IRC requirements, the minimum side yard setback for walls may be three (3) feet and the maximum projection distance of a sill, belt course, cornice, buttress, ornamental feature and eave into the side yard may be two (2) feet if the following conditions have been met:

"(1) Exterior walls are finished with noncombustible siding such as fiber cement, stucco, or stone,

"(2) Roofs are made of metal or other fire resistant material,

"(3) Soffits and overhangs are painted with fire-resistant paint, and

"(4) The property owner has signed a disclaimer at the time of building permit application, that holds the Town of Buena Vista harmless in the event of a fire that may have been a result of noncompliance with the 2006 International Residential Code. Such disclaimer may run in perpetuity with the property and shall be filed of record as a deed restriction at the office of the Chaffee County Clerk and Recorder."

(33) Section R302.1, Exterior walls, is amended so the provision reads as follows:

"Exterior walls of residential structures in the B-1 OT and PUD zone districts with a fire separation distance less than 3 feet (914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projections:

"1. At a point one-third the distance to the property line from an assumed vertical plane located where protected openings are required.

"2. More than 12 inches (305 mm) into areas where openings are prohibited.

"Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

"Exception: tool and storage sheds, playhouses and similar structures exempted from permits by Section 105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line."

(34) Section R302.2, Openings, is amended so the provision reads as follows:

"Openings of residential structures in the B-1, OT and PUD zone districts shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance of less than 3 feet (914 mm). This distance shall be measured perpendicular to the line used to determine the fire separation distance.

"Exceptions:

"1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.

"2. Foundation vents installed in compliance with the code are permitted."

(35) Section R302.3, Penetrations, is amended so the provision reads as follows:

"Penetrations located in the exterior wall of a dwelling in the B-1, OT or PUD zone districts with a fire separation distance less than 3 feet (914 mm) shall be protected in accordance with Section 321.3.

"Exception: Penetrations shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance"

(Ord. 7-2007 §3; Ord. 6-2008 §2; Ord. 13 §§2—4, 2009)

Sec. 18-23. Copies on file.

At least one (1) true and certified copy of the code or codes adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such codes shall also be made available for copying or purchase by the public at reasonable cost. (Ord. 9-1993 §1; Ord. 7-2002 §3)

Sec. 18-24. Violations of building code.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this article and the Town's electrical codes or regulations. Violations of this article and/or the electrical codes shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this article occurs or continues unabated. (Ord. 9-1993 §1; Ord. 7-2002 §3)

Sec. 18-25. Fees.

(a) Every permit issued under this article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing building permit applications and building plans and for building inspections. All fees established by the Town Administrator must be

approved by resolution by the Board of Trustees. The Town Clerk shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall.

(b) Notwithstanding the provisions contained in Subsection (a) above, during those time periods in which the Town and Chaffee County have executed and implemented an intergovernmental or other agreement providing for the delivery by Chaffee County of building inspection services, including plans review and building code enforcement, to the Town, then unless otherwise provided for in such intergovernmental or other agreement, the building permit fee schedule and fees for building permits issued under this article shall be the same as the fee schedule and fees adopted by Chaffee County. The Town Clerk shall prominently post or otherwise make available to interested persons copies of the Chaffee County fee schedule and fees utilized by the Town at Town Hall. (Ord. 13-1997 §4; Ord. 7-2002 §2)

Sec. 18-26. Multifamily design review standards.

All new multifamily residential structures containing four (4) or more dwelling units, including, but not exclusive of, apartments, townhomes or condominiums, shall be reviewed and approved pursuant to the following standards prior to the issuance of a building permit. Multifamily residential structures containing less than four (4) dwelling units shall be exempt from the requirements of this Section.

(1) All applicants for a building permit shall submit an original and five (5) copies of a site plan along with the building permit application illustrating the following information. A site plan may consist of more than one (1) page.

a. The site plan shall be prepared and signed by a licensed land surveyor in ink and shall accurately depict all dimensions at a scale of 1" = 20'.

b. The site plan shall depict a north arrow, the subject lot or parcel, monumented corners, lot lines, graphic scale, setback lines, all easements and rights-of-way (public or private) crossing or abutting the subject property, lot area by square footage, abutting streets or alleys, contour intervals at not more than two (2) feet where slope is less than ten percent (10%), the approximate location of structures off the subject property but within ten (10) feet of the subject property's boundary lines, one-hundred-year flood plain and existing drainage swales.

c. The site plan shall also depict all buildings on, or to be constructed on, the subject property (inclusive of configuration, height and site coverage by square footage), the number and dimensions of all individual residential dwelling units, the location and size of parking spaces, sidewalks, internal walkways, yard/open space (by square footage), dedicated public areas, landscaping improvements (inclusive of trees), unstable soil areas, water and sewer and other utility lines, drainage systems and/or drainage flow patterns, and any public improvements.

(2) All site plans must be approved by the Development Coordinator prior to the issuance of a building permit, and shall be incorporated therein as part of the permit. The Development Coordinator may refer all site plans to the Town Engineer and/or Planning and Zoning Commission for review and comment. Appeals of decisions or actions taken by the Development

Coordinator under this Section may be made to the Board of Adjustment utilizing the procedures set forth in Section 16-43 of this Code.

(3) The construction of any multi-family residential structure subject to this Section shall conform to the site plan as approved by the Development Coordinator and, notwithstanding any provision within the Town's building codes and/or regulations, no certificate of occupancy may issue for such structure, or the dwelling units contained therein, absent full conformity with the site plan.

(4) The design standards established in Sections 17-57 and 17-58 of the 1996 Buena Vista Subdivision Code, Chapter 17 of this Code, shall be utilized and applied where appropriate in reviewing and approving site plans under this Section.

(5) To the extent any conflict or inconsistency should exist or arise between the provisions contained in this Section and any provisions contained in the Town's building codes, the provision that is most protective of the public safety and furthers the purposes of this Section shall control. (Ord. 14-1997 §14; Ord. 7-2002 §2)

Sec. 18-27. Connection to municipal water and sanitary sewer systems required.

No building permit shall issue for any new building, structure or facility that uses water unless such building, structure or facility is connected to the Town's municipal water system and the sanitary sewer system, unless the Buena Vista Sanitation District specifically grants an exception. Additionally, no existing building, structure or facility that uses water and is not connected to the municipal water system or the sanitary sewer system may be expanded or rebuilt absent connection to both the municipal water system and/or the sanitary sewer system unless the Buena Vista Sanitation District specifically grants an exception. All proposed connections or enlargements of any connection to the municipal water system and/or sanitary sewer system must be approved in advance in writing by the Town and/or sanitation district, respectively. (Ord. 1-2006 §2)

Secs. 18-28—18-40. Reserved.

ARTICLE III

Electrical Code

Sec. 18-41. Adoption of National Electrical Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the electrical code of the Town Article 90 and Chapters 1 through 9 of the National Electrical Code, 2005 edition, as amended, published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02169-7471, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-42 below. The purpose and subject matter of the code is for the practical safeguarding of persons and property from hazards arising from the use of electricity, and sets forth rules and regulations governing electrical installations. (Prior code 15.09.010; Ord. 10-1990 §1; Ord. 13-1997 §1; Ord. 7-2002 §3; Ord. 7-2007 §5)

Sec. 18-42. Amendments and deletions.

The National Electrical Code as adopted by the Town pursuant to Section 18-41 above is amended with respect to the following sections or provisions:

- (1) Section 90.8(c), is amended by adding the following:

"Electrical plans shall be submitted with the building permit application and shall include service and feeder circuit size and load calculations and identify use of branch circuits to show compliance with the Code."

- (2) Section 230.70(A)(1), Readily acces-sible location, shall be amended so the provision reads:

"The service disconnecting main shall be installed at a readily accessible location outside of a building or structure at the point of entrance of the service conductors or at the location of the meter, transformer, or pedestal when approved by the AHJ."

(Prior code 15.09.020; Ord. 10-1990 §1; Ord. 13-1997 §1; Ord. 7-2002 §3; Ord. 7-2007 §5)

Sec. 18-43. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such codes shall also be made available for copying or purchase by the public at reasonable cost. (Prior code 15.09.030; Ord. 10-1990 §1; Ord. 7-2002 §3)

Sec. 18-44. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's electrical code or regulations. Violations of this article and/or the electrical code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this article occurs or continues unabated. (Ord. 13-1997 §1; Ord. 7-2002 §3)

Sec. 18-45. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for electrical installations and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall.

Secs. 18-46—18-60. Reserved.

ARTICLE IV

Mechanical Code

Sec. 18-61. Adoption of International Mechanical Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the mechanical code of the Town, Chapters 1 through 15 and Appendix A of the International Mechanical Code, 2006 edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code be amended by the changes set forth in Section 18-62 below. (Ord. 9-1993 §2; Ord. 13-1997 §2; Ord. 7-2007 §6)

Sec. 18-62. Amendments and deletions.

The International Mechanical Code as adopted by the Town pursuant to Section 18-61 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

"...Mechanical Code of the Town of Buena Vista, Colorado..."

- (2) Section 505.1, Domestic systems, is amended by adding:

"Where a gas outlet is supplied for domestic ranges and similar appliances, such appliances shall have a means to exhaust fumes and vapors to the outside. Where domestic range hoods and domestic appliances equipped with downdraft exhaust are..."

(Ord. 9-1993 §2; Ord. 13-1997 §2; Ord. 7-2007 §6)

Sec. 18-63. Copy on file.

At least one (1) copy of the Uniform Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 9-1993 §2)

Sec. 18-64. Violations of Mechanical Code.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Mechanical Code, and such nuisance may be abated as provided by law. Further, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation, such person shall be punished as provided in Article IV of Chapter 1 of this Code. (Ord. 9-1993 §2)

Sec. 18-65. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for mechanical installations and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall. (Ord. 13-1997 §2)

Secs. 18-66—18-80. Reserved.

ARTICLE V

Plumbing Code

Sec. 18-81. Adoption of International Plumbing Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the plumbing code of the Town, Chapters 1 through 13 and Appendices C, E and F of the International Plumbing Code, 2006 Edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code be amended by the changes set forth in Section 18-82 below. (Ord. 9-1993 §3; Ord. 13-1997 §3; ; Ord. 7-2007 §7)

Sec. 18-82. Amendments and deletions.

The International Plumbing Code adopted by the Town pursuant to Section 18-81 above is amended with respect to the following sections or provisions:

- (1) Section 101.1, is amended by adding:

" ... Plumbing Code of the Town of Buena Vista, Colorado ... "

- (2) In Section 417.4, Exception 2 is deleted. (Ord. 9-1993 §3, Ord. 13-1997 §3; Ord. 7-2007 §7)

Sec. 18-83. Copy on file.

At least one (1) copy of the Uniform Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 9-1993 §3)

Sec. 18-84. Violations of Plumbing Code.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Plumbing Code, and such nuisance may be abated as provided by law. Further, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation such person shall be punished as provided in Article IV of Chapter 1 of this Code. (Ord. 9-1993 §3)

Sec. 18-85. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for plumbing installations and for inspections thereof. All fees established by the Town Administrator must be approved by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall. (Ord. 13-1997 §3)

Secs. 18-86—18-100. Reserved.

ARTICLE VI

Energy Conservation Code

Sec. 18-101. Adoption of International Energy Conservation Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the energy conservation code of the Town, Chapters 1 through 6 of the International Energy Conservation Code, 2006 Edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth in every particular; provided, however, that such code be amended by the changes set forth in Section 18-102 below. (Ord. 7-2007 §8)

Sec. 18-102. Amendments and deletions.

The International Energy Conservation Code adopted by the Town pursuant to Section 18-101 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

" ... Energy Conservation Code of the Town of Buena Vista, Colorado ... "

(Ord. 7-2007 §8)

Sec. 18-103. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such codes shall also be made available for copying or purchase by the public at a reasonable cost. (Ord. 7-2007 §8)

Sec. 18-104. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's energy conservation code or regulations. Violations of this Article and/or the energy conservation code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated. (Ord. 7-2007 §8)

Sec. 18-105. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update, from time to time, a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for any usage to which this energy conservation code is applicable and for inspections thereof. All fees established by the Town Administrator just be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall. (Ord. 7-2007 §8)

Secs. 18-106—18-120. Reserved.

ARTICLE VII

Fire Code

Sec. 18-121. Adoptions.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fire code for the Town, by reference thereto, the Uniform Fire Code, 1991 edition, and all appendices and tables thereto published by the International Fire Code Institute, 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive provisions and standards relating to fire prevention and control for the primary purpose of protecting the public health, safety and general welfare. (Ord. 9-1993 §4)

Sec. 18-122. Amendments and deletions.

The Uniform Fire Code is adopted in its entirety, together with all appendices and tables, without any amendments or deletions, except as follows:

(1) Section 1.102(b) of the Uniform Fire Code is amended so as to read in its entirety as follows:

"(b) **Nationally Recognized Standards.** Where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances, or bylaws of the Town, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Board of Trustees shall be deemed as prima facie evidence of compliance with the intent of this code."

(2) Section 1.103(b) of the Uniform Fire Code shall be amended so as to read in its entirety as follows:

"(b) **Existing Conditions.** The provisions of this code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and to conditions which, in the opinion of the Board of Trustees or the designated enforcement official, constitute a distinct hazard to life or property."

(3) Article 2 of the Uniform Fire Code is repealed and replaced as follows:

"Article 2

"Organization, Authority, Duties and Procedures

"Division I

"Organization and Authority

"Section 2.101. Authority For Enforcement. The Board of Trustees and the designated enforcement official shall be responsible for the administration and enforcement of this code. Under their direction, the fire department is authorized to enforce all ordinances of the Town pertaining to:

"(a) The prevention of fires.

"(b) The suppression or extinguishing of dangerous or hazardous fires.

"(c) The storage, use and handling of hazardous materials.

"(d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment.

"(e) The maintenance and regulation of fire escapes.

"(f) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.

"(g) The maintenance of exits.

"(h) The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

"The authority of the chief and the fire department with respect to hazardous substance incidents and materials is subject to the authority of the Chief of Police as established by Section 2-124 of the Buena Vista Municipal Code.

"Section 2.102. Designated Enforcement Official to Exercise Power of Police Officer. The designated enforcement official, and only such person, shall have the powers of a police officer in performing his duties under this Code.

"Section 2.103. Authority of Police Personnel to Assist in Enforcing This Code. Whenever requested to do so by the Board of Trustees or the designated enforcement official, the Chief of Police shall assign such available police officers as in his discretion may be necessary to assist in the enforcement of the provisions of this Code.

"Section 2.104. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Board of Trustees or the designated enforcement official, has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Board of Trustees or the designated enforcement official may enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this Code, provided that if such building or premises be occupied, they shall first present proper credentials and demand entry; and if such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Board of Trustees or the designated enforcement official shall have recourse to every remedy provided by law to secure entry.

"If the owner or occupant denies entry, the authorized enforcement official is authorized to obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises shall, after proper request is made as herein provided, promptly permit entry therein by the designated enforcement official for the purpose of inspection and examination pursuant to this code.

"Section 2.105. Authority at Fires and Other Emergencies. (a) **General**. The chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of duty. In the exercise of such power, the chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove or cause to be removed or kept away from the scene any vessel or thing which may impede or interfere with the operations of the fire department and, in the judgment of the chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof. The authority of the chief and the fire department with respect to hazardous substance

incidents and materials is subject to the authority of the Chief of Police as established by Section 2-124 of the Buena Vista Municipal Code.

"(b) **Interference.** The operations of the fire department in connection with extinguishing any fire or other emergency shall not be obstructed. Lawful commands of the chief or officer of the fire department in charge at such scene, or any part thereof, or any police officer assisting the fire department shall not be disobeyed. See Section 10-75 of the Buena Vista Municipal Code.

"(c) **Barricades.** The chief or other officer of the fire department in charge at the scene of a emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

"Section 2.106. Liability For Damages. The adoption of this code shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or non-enforcement of this code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this code. Nothing herein shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations of liability otherwise available to the Town, or its officers, employees or agents.

"This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the designated enforcement official or the Town be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

"Section 2.107. Validity. If any provision of this code or the application thereof to any person or circumstance is held invalid, the remainder of this code and the application of such provision to other persons or circumstances shall not be affected thereby.

"Division II

"Duties and Procedures

"Section 2.201. Inspection and Unsafe Buildings. (a) **Inspection.** The designated enforcement official shall inspect, as often as may be necessary, buildings and premises, including such other hazards or appliances as may be designated, for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

"(b) **Unsafe Buildings.** Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human

life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance are, for the purpose of this section, unsafe buildings. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal as provided by law.

"Section 2.202. New Construction and Alterations. (a) **General.** Construction or work for which fire department approval is required shall be subject to inspection by the designated enforcement official and such construction work shall remain accessible and exposed for inspection purposes until approved by the designated enforcement official.

"Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the Town. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the Town shall not be valid.

"It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the chief, the designated enforcement official or any other representative of the Town shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

"(b) **Inspection Requests.** It shall be the duty of the person doing the work authorized by a permit to notify the designated enforcement official that such work is ready for inspection. The designated enforcement official is authorized to require that every request for inspection be filed not less than one working day before such inspection is desired. Such requests may be in writing or by telephone at the option of the designated enforcement official.

"It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work.

"Section 2.203. Investigations. The fire department is authorized to investigate promptly the cause, origin and circumstances of each and every fire occurring in the Town involving loss of life or injury to person or destruction or damage to property and, if it appears to the fire department that such fire is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the fire and are authorized to pursue the investigation to its conclusion.

"The fire department is authorized to investigate the cause, origin and circumstances of any unauthorized release of hazardous materials.

"However, the authority of the chief and the fire department with respect to hazardous substance incidents and materials is subject to the authority of the Chief of Police as established by Section 2-124 of the Buena Vista Municipal Code.

"The police department shall assist the fire department in its investigations when requested to do so.

"Notwithstanding anything contained herein to the contrary, the police department shall have control over all aspects of a criminal investigation resulting from or pertaining to a fire.

"Section 2.204. Records and Reports. (a) **Fire Occurrences.** The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with such other information as may be required by the Board of Trustees or the designated enforcement official.

"(b) **Record Retention.** The fire department shall retain for not less than three years a record of each inspection and investigation made showing the cause, the findings and disposition of each such inspection or investigation.

"Section 2.205. Orders, Notices and Tags. (a) **General.** Whenever the Board of Trustees or the designated enforcement official finds in any building or on any premises combustible, hazardous or explosive materials or dangerous accumulations of rubbish; or unnecessary accumulations of wastepaper, boxes, shavings or any highly flammable materials which are so situated as to endanger life or property; or finds obstructions to or on fire escapes, stairs, passageways, doors or windows that reasonably tend to interfere with the operations of the fire department or the egress of the occupants of such building or premises; or finds that the effectiveness of any exit door, attic separation or any fire separation wall is reduced; or finds that this code is being violated, they shall issue such orders as may be necessary for the enforcement of the fire prevention laws and ordinances governing the same and for the safeguarding of life and property from fire.

"(b) **Unsafe Heating or Electrical Equipment and Structural Hazards.** Whenever the Board of Trustees or its designated enforcement official deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally recognized standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create a hazard, they are authorized to serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. They are authorized to affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by the order of the Board of Trustees or the designated enforcement official and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

"When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices listed in this subsection, the Board of Trustees or the designated enforcement official shall immediately notify the Building Official who shall investigate such hazard and shall cause such hazard to be abated as required under the Building Code.

"(c) **Stopping Uses, Evacuation.** The designated enforcement official is authorized to order an operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a fire hazard.

"(d) **Time Limit.** Orders or notices shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation.

"Section 2.206. Changes in Use. Changes made in the character of an occupancy or the use of any building which would place the building in a different division of the same occupancy or in a different occupancy shall be approved by the Building Official.

"Section 2.207. Service of Orders and Notices. Orders or notices authorized or required by this code shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service or delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to such person's last known address. Orders or notices which are given verbally shall be confirmed by service in writing as herein provided.

"Division III

"Special Procedures

"Section 2.301. Alternate Materials and Methods (a) **Practical Difficulties.** The Board of Trustees, upon recommendation of the designated enforcement official, is authorized to modify any of the provisions of this code upon application in writing by the owner, a lessee or a duly authorized representative, where there are practical difficulties in the way of carrying out the provisions of this code, provided that the spirit of the code shall be complied with, public safety secured and substantial justice done. The particulars of such modification and the decision of the Board of Trustees shall be entered upon the records of the Town and a signed copy shall be furnished to the applicant.

"(b) **Alternate Materials.** Upon the recommendations of the designated enforcement official, the Board of Trustees, following notice to the Building Official, is authorized to approve alternate materials or methods, provided they find that the proposed design, use or operation satisfactorily complies with the intent of this code and that the material, method of work performed or operation is, for the purpose intended, at least equivalent to that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Approvals under the authority herein contained shall be subject to the approval of the Building Official whenever the alternate material or method involves matters regulated by the Building Code.

"(c) **Proof of Compliance.** The Board of Trustees or the designated enforcement official may require tests as proof of compliance with the intent of this code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

"Section 2.302. Technical Assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the designated building official is authorized to require the owner or the person in possession or control of the building or premises to provide, with-out charge to the Town, a technical opinion and report. The

opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety specialty organization acceptable to the designated enforcement official and the owner and shall analyze the fire-safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

"Section 2.303. Board of Appeals. All appeals from orders of the designated enforcement official shall be governed by Article I of Chapter 18 of the Buena Vista Municipal Code.

"Section 2.304. Uniform Fire Code Standards. The Uniform Fire Code Standards referenced in this code are those standards contained in the Uniform Fire Code Standards, 1991 Edition, published by the International Fire Code Institute as listed below. The Uniform Fire Code Standards, 1991 Edition, are hereby declared to be part of this code as if set forth in full herein. See pages 9-14 of the Uniform Fire Code, 1991 Edition, for referenced portions of the Uniform Fire Code Standards."

(4) Section 9.104 of the Uniform Fire Code is hereby amended by the addition of the following definition:

"BOARD OF TRUSTEES shall mean the duly elected, qualified and acting governing body of the Town of Buena Vista, Colorado."

(5) Section 9.106 of the Uniform Fire Code is hereby amended by the addition of the following definition:

"DESIGNATED ENFORCEMENT OFFICIAL or ENFORCEMENT OFFICIAL shall mean that person or persons designated by the Board of Trustees to enforce this code."

(Ord. 9-1993 §4)

Sec. 18-123. Copy on file.

At least one (1) copy of the Uniform Fire Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 9-1993 §4)

Sec. 18-124. Violations of Fire Code.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Fire Code, and such nuisance may be abated as provided by law. Further, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation, such person shall be punished as provided in Article IV of Chapter 1 of this Code. (Ord. 9-1993 §4)

Secs. 18-125--18-140. Reserved.

ARTICLE VIII

Alarm Systems

Sec. 18-141. Intent.

The Board of Trustees finds and determines that:

(1) The imposition of a fee for an excessive number of false fire alarms generated by automatic fire alarm systems is proper to both compensate the Town for the time and expense associated with responding to such alarms, as well as to deter a person owning an automatic fire alarm system from permitting an excessive number of false alarms to be generated by such system.

(2) The unregulated use of exterior audible burglary, robbery, fire or similar alarms can create a substantial annoyance and inconvenience to persons residing near to such an alarm.

(3) The imposition of reasonable restrictions upon such exterior audible alarms would be in the public interest, and the regulations contained in this Article are reasonable and will protect the public welfare while not unreasonably interfering with the right of a property owner to use an exterior audible alarm to protect his or her property.

(4) The requirements and provisions of this Article are reasonable and are necessary for the protection of the public health, welfare and safety. (Prior code 8.08.010; Ord. 9-1990 §1)

Sec. 18-142. Definitions.

As used in this Article:

(1) *Alarm system* or *fire alarm system* means a system which automatically detects a fire condition and actuates a fire alarm signal device.

(2) *Emergency alarm inspection* means an inspection by the Fire Department to determine the cause of any fire alarm signal.

(3) *Emergency alarm inspection fee* means a fee which is imposed upon the owner of a building or structure when the building or structure's fire alarm system exceeds two (2) Category II fire alarms within any thirty (30) day period.

(4) *Exterior audible alarm* means a device designed for the detection of burglary, robbery, fire or similar occurrences on premises which is designed to generate an audible sound outside of the premises when it is activated.

(5) *Fire alarm, alarm* or *fire alarm signal* means a signal indicating an emergency requiring immediate action, as an alarm for fire from a manual box, smoke detector, heat detector, water flow alarm, automatic fire alarm system, tamper alarm, trouble alarm or other emergency signal as defined by the Fire Department. Fire alarm signals shall be classified as follows:

a. Category I Alarms. Any alarm requiring a Fire Department response where the alarm system operated properly under the following conditions:

1. Any alarm caused by a malicious or mischievous action;
2. Any accidental alarm caused by a person over whom the owner of the building or structure had no control; or
3. An accidental smoke or fire condition in the building or structure.

No emergency alarm inspection fee shall be charged for Category I alarms.

b. Category II Alarms. Any alarm requiring a Fire Department response under the following conditions:

1. Any alarm caused by the failure, lack of maintenance, improper maintenance or installation of the alarm system equipment, hardware or wiring;
2. Any alarm caused by the act or omission of an agent, employee or contractor of the management. Failure by a remote station monitoring center shall be considered a user error; or
3. Any alarm which, after its investigation by the Fire Department (with input from interested parties), has no apparent cause.

Category II Alarms are determined to be unnecessary, and an emergency alarm inspection fee shall be assessed in connection with such alarms as provided in Section 18-145.

(6) *Fire Department* means the Buena Vista Volunteer Fire Department. (Prior code 8.08.020; Ord. 9-1990 §1)

Sec. 18-143. Fire alarm systems; generally.

All fire alarm systems located within the Town shall be subject to the provisions of this Article. It shall be the responsibility of the Fire Department to inspect and approve such fire alarm systems and to investigate and determine the cause of all fire alarms. The Fire Department shall promptly conduct an emergency alarm inspection with respect to each alarm requiring a Fire Department response. A written report shall be provided to the responsible party detailing the results of the emergency alarm inspection. (Prior code 8.08.030)

Sec. 18-144. Fire alarm systems; performance standards.

(a) It shall be the duty of the fire alarm system owner to maintain, repair and correct a system generating unnecessary alarms. The owner is also responsible for educating all persons, whether employees or contract agents, who may affect the performance of the alarm system.

(b) All alarm systems shall be afforded a thirty (30) day adjustment period commencing with the Fire Department date of acceptance of the fire alarm system. The adjustment period is provided so

that the system can be brought to maximum reliability. The emergency alarm inspection fee will not be assessed during this adjustment period. (Prior code 8.08.040)

Sec. 18-145. Emergency alarm inspection fee.

Any person having a fire alarm system shall pay to the Town an emergency alarm inspection fee of two hundred fifty dollars (\$250.00) for each Category II alarm in excess of two (2) Category II alarms occurring within any thirty (30) day period. It is unlawful for any such person to fail or refuse to pay such fine, and any person convicted of failing or refusing to pay such fine shall be punished as provided in Section 1-72 of this Code; provided that the person convicted shall pay the emergency alarm inspection fee assessed in addition to any fine imposed by the Court. If, within thirty (30) days following the occurrence of any Category II alarm in violation of this Section caused by malfunction of the fire alarm system, the person owning the fire alarm system provides the Fire Department with a letter of certification or service order demonstrating to the satisfaction of the Fire Department that the system has been properly repaired, such person shall receive a refund or abatement of one-half (½) of the emergency fire alarm inspection fee assessed for such alarm. Letters of certification or service orders received by the Fire Department more than thirty (30) days following the occurrence of the Category II alarm shall not entitle the owner of the system to any refund or abatement of the emergency fire alarm inspection fee. (Prior code 8.08.050)

Sec. 18-146. Limitation on exterior audible alarms.

It shall be unlawful for the owner of any real property, or any person in charge or control of any real property located within the Town, to fail to silence any exterior audible alarm located in, on or about such property within three (3) minutes after such alarm shall have been activated. (Ord. 9-1990 §1)

Secs. 18-147--18-160. Reserved.

ARTICLE IX

Flood Damage Prevention

Sec. 18-161. Designation of official floodplain map.

The Flood Boundary and Floodway Map of the Town, Community-Panel Number 080030 0001, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, is approved and adopted as the official floodplain map of the Town. (Prior code 1.14.010)

Sec. 18-162. Inspection of floodplain map.

The official floodplain map shall be maintained by the Town Clerk at the Town's offices and shall be open to inspection by the public during normal business hours. (Prior code 1.14.020)

Sec. 18-163. Statutory authorization.

The Legislature of the State has, in Sections 31-15-103 and 31-15-401, C.R.S., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health,

safety and general welfare of its citizenry. Therefore, the Board of Trustees of the Town does ordain as hereafter set forth in this Article. (Prior code 15.16.010)

Sec. 18-164. Findings of fact.

(a) The flood hazard areas of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from damage also contribute to the flood loss. (Prior code 15.16.020)

Sec. 18-165. Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood-control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions. (Prior code 15.16.030)

Sec. 18-166. Methods of reducing flood losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Prior code 15.16.040)

Sec. 18-167. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

(1) *Appeal* means a request for a review of the Town Administrator's interpretation of any provision of this Article or a request for a variance.

(2) *Area of special flood hazard* means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

(3) *Base flood* means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

(4) *Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials located within the area of special flood hazard.

(5) *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the ordinance codified in this Article.

(6) *Expansion to existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

(7) *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; and/or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

(8) *Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(9) *Flood Insurance Study* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

(10) *Floodway* means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(11) *Historic structure* means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

(11) *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Article.

(12) *Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *manufactured home* does not include a *recreational vehicle*.

(13) *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(14) *New construction* means structures for which the *start of construction* commenced on or after the effective date of the ordinance codified in this Article.

(15) *New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this Article.

(16) *Recreational vehicle* means a vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(17) *Start of construction* includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(18) *Structure* means a walled and roofed building or manufactured home that is principally aboveground.

(19) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(20) *Substantial improvement* means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a *historic structure*.

(21) *Variance* means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article. (Prior code 15.16.050; Ord. 3-1990 §§1, 2, 3, 4, 5, 6, 7, 8, 9, 10)

Sec. 18-168. Lands to which this Article applies.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the Town. (Prior code 15.16.060)

Sec. 18-169. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Buena Vista," dated March 30, 1982, with an accompanying Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of this Article. The Flood Insurance Study and FIRM are on file at the office of the Town Administrator. (Prior code 15.16.070)

Sec. 18-170. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. (Prior code 15.16.080)

Sec. 18-171. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another code section, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Prior code 15.16.090)

Sec. 18-172. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Prior code 15.16.100)

Sec. 18-173. Warnings and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does

not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Prior code 15.16.110)

Sec. 18-174. Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18-169. Application for a development permit shall be made on forms furnished by the Town Administrator and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 18-178(5)b; and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Prior code 15.16.120)

Sec. 18-175. Designation of the Town Administrator.

The Town Administrator is appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions. (Prior code 15.16.130)

Sec. 18-176. Duties and responsibilities of the Town Administrator.

Duties of the Town Administrator shall include, but not be limited to:

- (1) Permit review.
 - a. Review all development permits to determine that the permit requirements of this Article have been satisfied;
 - b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required; and
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 18-179(1) are met.

(2) Use of other base data. When base flood elevation data has not been provided in accordance with Section 18-169, the Town Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 18-178(5).

(3) Information to be obtained and maintained.

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

b. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed, and

2. Maintain the floodproofing certificate required in Section 18-178(5); and

c. Maintain for public inspection all records pertaining to the provisions of this Article.

(4) Alteration of watercourses.

a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 18-177. (Prior code 15.16.140)

Sec. 18-177. Variance procedures; appeals.

(a) Appeal Board.

(1) The Board of Trustees shall hear and decide appeals and requests for variances from the requirements of this Article.

(2) The Board of Trustees shall hear and decide appeals when it is alleged there is an error in any requirements, decision or determination made by the Town Administrator in the enforcement or administration of this Article.

(3) Those aggrieved by the decision of the Board of Trustees, or any taxpayer, may appeal such decisions to the District Court, as provided by law.

(4) In passing upon such applications, the Board of Trustees shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger of life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(5) Upon consideration of the factors of Subsection (4) above and the purposes of this Article, the Board of Trustees may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

(6) The Town Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(b) Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provide that items a through k in Subsection (a)(4) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justifications required for issuing the variance increase.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued

designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall not be issued within any designated floodway if any increases in flood levels during the base flood discharge would result.

(4) Variances shall not be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection (a)(4) above or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Prior code 15.16.150; Ord. 3-1990 §11)

Sec. 18-178. General standards for flood hazard reduction.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.

b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

4. Any additions to the manufactured home be similarly anchored.

(2) Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

a. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(5) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18-169 or Section 18-176(2), the following provisions are provided:

a. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the

base flood elevation.

b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 18-176(3)b.

c. Manufactured homes.

1. Manufactured homes shall be anchored in accordance with Subsection (1)b above.

2. All manufactured homes that are to be placed or substantially improved within Zones A1-30, AH and AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. All manufactured homes which are to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones A1-30, AH and AE that are not subject to the provisions of Subparagraph 2 above shall be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Prior code 15.16.160; Ord. 3-1990 §§12, 13)

Sec. 18-179. Floodways.

Located within areas of special flood hazard established in Section 18-169 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and

other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 18-178. (Prior code 15.16.170)

Secs. 18-180--18-200. Reserved.

ARTICLE X

Liability

Sec. 18-201. Liability.

The adoption of this Chapter, and the various building, technical and fire codes provided for herein, shall not create any duty to any person with regard to the enforcement or nonenforcement of this Chapter or said codes. No person shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said codes. Nothing in this Chapter or in said codes shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S., or to waive any immunities or limitations of liability otherwise available to the Town, or its officers, employees or agents. (Ord. 9-1993 §5)

Secs. 18-202--18-220. Reserved.

ARTICLE XI

Fences and Walls

Sec. 18-221. Intent.

The intent of the provisions contained in this Article is to set forth reasonable regulations governing the appearance, location, type and maintenance of fences and walls so as to promote their appearance and safety and their conformity with zoning standards applicable to the zone district in which they may be situated. (Ord. 7-2003 §1)

Sec. 18-222. Definitions.

As used in this Article, the following terms shall have the meanings provided below:

Fence means a man-made barrier constructed or installed to demarcate or create a boundary, partition or enclosure, whether solid or otherwise, and/or used to protect, confine, screen or conceal, and includes, without limitation, freestanding walls and retaining walls.

Retaining wall means a man-made wall or similar barrier usually constructed at a grade change to contain or restrain the lateral force of adjacent or uphill soil or other material so as to prevent slumping, sliding, erosion or falling.

Screening wall means a fence designed, installed and/or intended to block or obscure observation or vision. (Ord. 7-2003 §1)

Sec. 18-223. Permits; exemptions.

(a) The installation or construction of fences, inclusive of screening walls, six (6) feet or less in height, but excluding retaining walls in excess of forty-two (42) inches in height, shall not require a fence or building permit. Except as otherwise provided in this Section, fences in excess of six (6) feet in height, and/or retaining walls in excess of forty-two (42) inches in height, shall require a building permit. Every landowner or person installing a fence or retaining wall on or along a lot line or other property boundary shall be responsible to confirm the accurate location of the lot line or other property boundary prior to the installation of such fence or wall. No fence or wall shall be installed across a property line without the notarized written consent of the owner of the abutting property.

(b) Notwithstanding the provisions of Subsection (a) above, no fence or building permit shall be required for the following types of fences except as otherwise specified below:

(1) A seasonal or temporary fence, regardless of height, constructed of lightweight wire, vinyl or plastic-coated wire, cloth-like fabric, or similar lightweight material which is installed immediately adjacent to a garden, ornamental tree or other landscaping for the sole purpose of preventing damage from grazing wildlife.

(2) Temporary fences used to secure or protect construction sites or open excavations. Such fences shall be six (6) feet in height unless a taller fence is necessary to safely secure the site.

(3) Temporary fences used to contain, direct or control crowds at outdoor events.

(4) Temporary fences constructed of wood, vinyl, plastic or cloth-like fabric and installed during the winter snowfall season to prevent the drifting of snow.

(5) Open-mesh chain link fences to a maximum height of ten (10) feet installed by a school or government agency on school or other publicly-owned or managed land to demarcate, enclose or protect playing fields or equipment (including baseball field fencing and/or walls), outdoor pools, parks or playgrounds or mechanical equipment; except that fences in excess of six (6) feet in height shall be required to obtain a building permit.

(c) Building permits for fences over six (6) feet shall be issued by the Building Official or such other officer designated by the Town Administrator to enforce the provisions of this Article.

(d) Appeals from any administrative decision entered under the terms of this Article, including a denial of a permit, shall be made to the Building Board of Appeals in accordance with Article I of this Chapter. (Ord. 7-2003 §1)

Sec. 18-224. Fencing materials; prohibitions.

The following regulations shall apply to all fences regardless as to the zone district in which they may be located:

(1) Fences and screening walls shall be constructed from durable low maintenance materials. Acceptable fence materials shall include:

a. Masonry (brick) with stucco or other acceptable finish, or constructed masonry units with an indigenous pattern or finish.

b. Stone or rock.

c. Wood from milled lumber that is pressure treated or milled, or treated native wood; except that slab lumber shall not be acceptable without special review of the construction details.

d. Wrought iron and other manufactured metal.

e. Chain link fence constructed with round metal posts and top rail (color shall be dark or natural, if coated).

f. Other alternative materials that can withstand exposure to the weather, subject to review and approval by the Building Official or such other officer designated by the Town Administrator to enforce the provisions of this Article.

(2) Live vegetation hedges may be used in place of a fence or wall where appropriate or desirable and do not require a building permit if they exceed six (6) feet in height. No live vegetation shall be installed so as to block or obstruct vision within a sight distance triangle defined in Section 16-240 of this Code.

(3) Barbed wire, razor wire or concertina wire fences, electrified fences and fences with embedded glass shards or utilizing sharp protrusions are prohibited unless authorized by a special fence permit issued pursuant to the procedures contained in Section 16-61 of this Code; except that in lieu of the review criteria set forth in Subsection 16-61(f), the issuance of a special fence permit shall be determined upon a review of:

a. The necessity of the requested type of fence to satisfy a specific special need;

b. The compatibility of the requested fence with adjacent properties and neighborhood; and

c. The impact of the proposed fence on public safety.

(4) No fence, hedge or wall shall be installed closer than eighteen (18) inches to any public sidewalk, trail or other public pedestrian way. (Ord. 7-2003 §1)

Sec. 18-225. Construction standards for fences and screening walls; required screening.

(a) Residential districts. Except as otherwise provided elsewhere in this Code, the following height and construction standards shall apply to all fences and screening walls in residential zone districts:

(1) Fences in a front, side or rear yard setback that abuts a public street (excluding public alleys) shall not exceed a height of forty-two (42) inches except if authorized by special fence permit for a demonstrated unique security need.

(2) Fences in rear yards and fences in side yards extending up to the front yard setback line shall not exceed a height of six (6) feet. Any portion of a side yard fence extending beyond a front yard setback line shall not exceed a height of forty-two (42) inches.

(3) Notwithstanding any other provision in this Section, any fence or live vegetation hedge located within a sight distance triangle defined in Section 16-240 of this Code shall not exceed a height of thirty-six (36) inches, and any fence so located shall not be installed or be of a type or design that blocks or obstructs vision within a sight distance triangle.

(4) Fencing enclosing or protecting an athletic court (e.g., tennis court) may exceed six (6) feet in height subject to the issuance of a building permit under the Town's building code.

(5) In addition to the regulations set forth in this Subsection (a), multi-family properties located in residential districts shall be subject to the regulations contained in Subsection (b) below.

(6) All fences not classified as a temporary fence shall be securely and permanently installed into the ground to prevent the fence from leaning or falling down.

(b) Nonresidential districts. Except as otherwise provided elsewhere in this Code, the following height and construction standards shall apply to all fences and screening walls in nonresidential (i.e., business and industrial) zone districts, and on multifamily properties regardless as to zone district:

(1) Fences used or required for purposes other than for screening (e.g., security or boundary fences) shall not exceed eight (8) feet in height, except if authorized by special fence permit for a demonstrated unique security need, and no fence shall be installed, or be of a type or design, so as to block or obstruct vision within a sight distance triangle defined in Section 16-240 of this Code. All fences in excess of six (6) feet in height shall require a building permit.

(2) Trash and refuse collection areas on nonresidential or multi-family properties shall be enclosed on not less than three (3) sides with a six (6) foot high solid wood or masonry screening wall, styled and colored to match or correspond with the material and color of any adjacent primary building wall.

(3) No screening fence or wall utilized to screen stored or other materials shall be constructed within fifteen (15) feet of a residential property or zone district boundary line, and no screened material shall be stored or stacked so as to exceed the height of the screening.

(4) Screening fences and walls shall be constructed of materials and installed in such a manner as to create a completely opaque screen through which no portion or silhouette of the material and/or items being screened are visible (except that five percent [5%] open space resulting from shrinkage is allowed). Chain link and/or wire fencing equipped with interwoven plastic, wood or metal slats shall not qualify as an appropriate or allowable screening fence.

(5) All fences not classified as a temporary fence shall be securely and permanently installed into the ground to prevent the fence from leaning or falling down. (Ord. 7-2003 §1; Ord. 2 §2, 2009)

Sec. 18-226. Retaining walls.

(a) The construction and/or installation of a retaining wall in excess of forty-two (42) inches in height shall require a building permit and require that the structural design be certified by a duly registered and licensed professional engineer.

(b) Retaining walls forty-two (42) inches or less in height shall be designed and constructed and/or installed to resist and contain loads due to the lateral pressure of the material or slope to be retained in accordance with accepted engineering practices.

(c) No retaining wall shall be constructed or installed so as to create an unsightly appearance, erosion or scarring. (Ord. 7-2003 §1)

Sec. 18-227. Swimming pool fences.

All rigidly framed or noninflatable above-ground pools exceeding eighteen (18) inches in depth and all below-ground swimming pools, excepting portable hot tubs and inflatable or other similar temporary pools that are filled by a hose, shall be completely enclosed by a fence not less than four (4) feet in height with openings not wider than four (4) inches unless the yard or site in which the pool is situated is already fully enclosed by a fence at least four (4) feet in height. All gates shall be equipped with child resistant self-latching and self-closing devices that are located no lower than forty (40) inches above grade. (Ord. 7-2003 §1)

Sec. 18-228. Fence maintenance standards.

(a) All fencing shall be maintained in a structurally safe and visually acceptable manner. For purposes of this Section, *visually acceptable manner* shall mean, without limitation, that the paint, if any, on a fence is not peeling or excessively chipped or faded; that rot, rust or corrosion is not prominent or severe; that slats, bricks, stones, wire, posts or other fence material or equipment are not broken or missing; and/or that the fence is not leaning or falling down. Vegetation growing on or supported by a fence shall be maintained in a healthy condition and shall be regularly pruned and trimmed so as to prevent the deterioration, collapse or other structural failure of the fence.

(b) Dilapidated, broken, unsightly, structurally unsound or unsafe fences shall be removed or repaired upon written notice served by the Town on the owner. The notice shall specify the nature of all repairs or replacements needed to be undertaken and a reasonable time period by which such repairs or replacements shall be completed. The notice may be served by regular or certified mail or by hand delivery. (Ord. 7-2003 §1)

Secs. 18-229—18-250. Reserved.

ARTICLE XII

Fuel Gas Code

Sec. 18-251. Adoption of International Fuel Gas Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the fuel gas code of the Town, Chapters 1 through 8 and Appendices A and B of the International Fuel Gas Code, 2006 Edition, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-252 below. (Ord. 7-2007 §9)

Sec. 18-252. Amendments and deletions.

The International Fuel Gas Code adopted by the Town pursuant to Section 18-251 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

"...Fuel Gas Code of the Town of Buena Vista, Colorado..."

- (2) Section 303.3, Prohibited locations, is amended by adding:

"...except with prior approval of the building official and where..."

- (3) Section 310.1, Gas pipe bonding, is amended in its entirety to read:

"As required by the 2005 National Electrical Code."

- (4) Section 403.5.2, Copper and brass tubing, is amended in its entirety to read:

"Copper tubing, fittings or pipe shall not be installed downstream of the riser."

- (5) Section 404.4, Piping through foundation wall, shall be amended by adding:

"Gas piping shall daylight immediately prior to penetrating the foundation."

- (6) Section 503.8. 3. is amended to read:

" ... The bottom of the vent terminal and air intake shall be located at least 18" above grade."

(Ord. 7-2007 §9)

Sec. 18-253. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such code shall also be made available for copying or purchase by the public at a reasonable cost. (Ord. 7-2007 §9)

Sec. 18-254. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's fuel gas code or regulations. Violations of this Article and/or the fuel gas code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated. (Ord. 7-2007 §9)

Sec. 18-255. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule, taking into consideration the time and cost to the Town in reviewing applications and plans for any usage to which this fuel gas code is applicable and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall. (Ord. 7-2007 §9)

Secs. 18-56—18-270. Reserved.

ARTICLE XIII

Existing Building Code

Sec. 18-271. Adoption of International Existing Building Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the existing building code of the Town, Chapters 1 through 15 and Appendices A and B of the International Existing Building Code, 2006 Edition, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-272 below. (Ord. 7-2007 §10)

Sec. 18-272. Amendments and deletions.

The International Existing Building Code adopted by the Town pursuant to Section 18-271 above is amended with respect to the following sections or provisions:

(1) Section 101.1 is amended by adding:

" ... Existing Building Code of the Town of Buena Vista, Colorado ... "

(Ord. 7-2007 §10)

Sec. 18-273. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such code shall also be made available for copying or purchase by the public at a reasonable cost. (Ord. 7-2007 §10)

Sec. 18-274. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's existing building code or regulations. Violations of this Article and/or the existing building code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated. (Ord. 7-2007 §10)

Sec. 18-275. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule, taking into consideration the time and cost to the Town in reviewing applications and plans for any usage to which this existing building code is applicable and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall. (Ord. 7-2007 §10)

Secs. 18-276—18-290. Reserved.

ARTICLE XIV

Construction of Hangars at the Buena Vista Municipal/Central Colorado Regional Airport

Sec. 18-291. Intent.

These standards shall be known as the Airport Hangar Construction and Design Standards as cited in the Airport Layout Plan. The purpose of these design standards is to ensure consistent high-quality construction and to protect and enhance the investment of all those locating within the Airport Layout Plan area. These standards provide a basis for directing and evaluating the planning and architectural design of improvements to each hangar lot. (Ord. 7 §2, 2009)

Sec. 18-292. Applicability.

As a condition of all ground leases and subleases, tenants shall comply with all local codes, ordinances and regulations enacted by the Town as well as all applicable rules and regulations of the Federal Aviation Administration (FAA). The Airport Manager must give prior written approval for any of the work items listed below. If emergency work is necessary to protect or minimize further damage to the improvements or building contents, the emergency work may be completed and notification provided to the Airport Manager as soon as possible after the fact. Upon notification, the tenant is responsible to provide to the Airport Manager a written description of the work conducted or a set of plans of the work that was completed.

- (1) New hangar construction.
- (2) Additions, remodeling or structural alterations.
- (3) Demolition of hangars.
- (4) Boring under or open cutting of leasehold driveways, taxi lanes or access roads.
- (5) New or replacement water and sanitary sewer services.
- (6) Outdoor signs, permanent or temporary, and replacement signs.
- (7) Fencing.
- (8) Reroofing.
- (9) Filling, grading or excavation on leasehold property. (Ord. 7 §2, 2009)

Sec. 18-293. Development review process.

The following review process applies to Section 18-292 above. All submittals shall be sent to the Airport Manager for completeness review prior to submittal to the Airport Design Review Committee (DRC) for final review and approval.

(1) Plan submittal. The tenant shall submit five (5) copies of a plan for construction. The plan shall include a written description of the proposed development, site plans, structural plans, material specifications and an estimated time frame for completion. The contents of the final plan package will depend upon the type and extent of construction. Drawings shall be twenty-two (22) inches by thirty-four (34) inches unless previously approved by the DRC.

(2) Plan revisions (if required). If the Airport Manager requests plan revisions after the preliminary review of the construction plan package, the tenant must complete the plan revisions and forward five (5) copies to the Airport Manager for final review before plans are forwarded to the DRC for further consideration.

(3) Approval.

a. Airport Design Review Committee. The Board of Trustees has appointed an Airport

Design Review Committee (DRC) to govern the approval process for future development and redevelopment on the Municipal Airport. Prior to any improvements occurring, the DRC will review and approve plans and specifications of any development. The DRC shall consist of the members of the Airport Board as appointed by the Board of Trustees.

b. Processing requirements of the Airport Design Review Committee.

1. Preapplication meeting. The applicant will meet with the Airport Manager to determine how best to facilitate the project.

2. Application submittal. Following submittal of plans revised during preliminary review by the Airport Manager, the DRC will review, as soon as possible but no more than thirty (30) days from the date of revised submittal, and approve or deny the application. All applications will be evaluated based upon the Airport Hangar Construction and Design Standards and comments/recommendations of the Airport Engineer.

Upon complete approval of the final plan package by the DRC, the Airport Manager will send an approval letter to the tenant and the Planning Department. This letter is required prior to issuance of construction permits.

Appeals of any decision of the DRC may be made to the Board of Trustees as provided in Article I of this Chapter.

(4) FAA approval.

a. For any construction or alteration of buildings on airport property, the tenant must submit an FAA Form 7460-1, Notice of Proposed Construction or Alteration, for review and approval. The submittal must include information on building locations, crane or equipment heights and whether the construction and/or equipment are permanent or temporary. A copy of the original 7460-1 shall be submitted to the Airport Manager, who will forward it to the FAA. Construction will not be allowed to start until the FAA has approved the Form 7460-1 submittal. Applicants should anticipate a minimum of thirty (30) to ninety (90) days for the FAA to review Form 7460-1. Copies of the FAA Form 7460-1 are available from the Airport Manager's office.

b. When hangar construction or alteration begins, FAA Form 7460-2, Notice of Actual Construction or Alteration, should be submitted to the Airport Manager, who will forward it to the FAA.

c. Any construction or alteration of hangars is subject to FAA inspection before, during and following construction. (Ord. 7 §2, 2009)

Sec. 18-294. Permitting and construction.

(a) A building permit is not required for Airport DRC approval of a tenant's plans. However, a tenant is required to obtain a building permit prior to beginning construction. Copies of all permits obtained from local municipalities and/or any other appropriate jurisdictions must be submitted to the Airport Manager prior to starting construction.

(b) Copies of all structural plans, site plans and materials specifications shall be provided to the Town for review and approval prior to the issuance of a building permit. The County will review the plans for compliance with all applicable building codes under a separate review.

(c) The Town or its agent shall make inspections during construction of any approved building. No changes to or variations from approved plans and specifications shall be permitted unless approved in writing by all reviewing agencies.

(d) Construction of any approved structure or material component thereof may not commence until the following documents or proofs thereof are provided to the Town for review and approval:

(1) Contractor's comprehensive general liability insurance and automobile liability insurance policies in an amount not less than seven hundred fifty thousand dollars (\$750,000.00) for injuries, including accidental death, to any one (1) person and subject to the same limit for each person, and in an amount of not less than one million five hundred thousand dollars (\$1,500,000.00) on account of one (1) occurrence. Contractor's property damage liability insurance shall be in an amount of not less than five hundred thousand dollars (\$500,000.00).

(2) Property insurance upon the entire work at the site to the full insurable value thereof. This insurance shall include the interest of the lessee, the contractor and subcontractors in the work, shall insure against perils of fire and extended coverage and shall include an "all risk" insurance for physical loss or damage, including, without duplication of coverage, theft, vandalism and malicious mischief.

(3) A performance, material and labor payment bond payable to the Town in an amount equal to the entire cost of the project. A one-year maintenance bond equal to ten percent (10%) of the amount of the performance, material and labor payment bond shall be required upon substantial completion of the work.

(4) Any failure on the part of the lessee to comply with Town requirements or any failure to complete a construction project according to the approved plans and specifications or within a reasonable time as determined by the Town shall be cause for the Town to revoke any ground lease with the lessee of the project and require that the structure be removed from the airport property. In addition to the foregoing remedies, the Town shall retain all other remedies provided by the lease terms or applicable law.

(5) All electrical and plumbing elements shall be installed by a licensed contractor. (Ord. 7 §2, 2009)

Sec. 18-295. Design standards.

The following are the design standards for all construction at the Buena Vista Municipal Airport:

(1) Exterior.

a. All exterior surfaces shall be of prefinished aluminum, steel, decorative masonry or precolored laminate. No painted wood, unfinished materials or excessive glass walls will be permitted. No damaged materials will be allowed.

b. All exterior colors and materials shall be of neutral tones and colors and must be submitted for review and approval by the DRC.

c. The front, rear and all sides of all buildings shall be of compatible design and aesthetics.

d. All roofs shall be metal or cement tile and match the exterior type.

e. Building materials shall not cause glare or reflections that will interfere with flight operations, airport operations or ground circulation.

f. All new construction shall be of high quality and utilize material and finishes which will have a minimum twenty-year warranty.

(2) Floor construction. All floors must be constructed of concrete.

(3) Doors. Bi-fold doors are recommended because of their ease of operation. Approved swing-out, overhead or sliding doors may also be used. All pedestrian doors must be of prefinished metal or fiberglass construction in metal jambs. No wood doors or jambs will be permitted on exterior access areas. The minimum width of any pedestrian door shall be no less than thirty-six (36) inches except doors embedded in bi-fold doors.

(4) Grading. Grading must be designed with consideration given to the existing drainage of the building area. No site will be developed and no use permitted that will result in water runoff causing ponding, flooding, erosion or deposit of minerals on adjacent property. Drainage shall not negatively impact adjacent properties and shall flow into the airport's natural or developed drainage. Drainage from roofs shall not cause erosion or affect adjacent properties. Plan submittal shall include a drainage plan that will require review and approval of the DRC.

(5) Sanitary sewer and water connections.

a. If tenants choose to have sanitary sewer and water available at their hangar, they must connect to available sanitary sewer and water system.

b. Tenants who connect to the public sanitary sewer and water system are responsible for all costs associated with the installation and maintenance of their connection from the utility lateral line to their hangar.

(6) Exterior lighting. Lighting shall be shielded to prevent discharge of illumination, light scatter or source glare above a horizontal plane and to eliminate glare for aircraft pilots. Lighting shall also be mounted to minimize glare to pilots of aircraft and personnel on surrounding taxiways, taxi lanes and aprons. Plan submittal shall include exterior lighting information.

(7) Landscaping. For commercial hangars where water is available and landscaping is desired, a landscaping plan is required with the final plan submittal for review and approval by the DRC, Town Water Department and other appropriate referral agents (i.e., Airport Engineer). No trees, berry-producing shrubs or other vegetation that provides cover and reproductive habitat for wildlife shall be allowed. Any grasses planted are the responsibility of the tenant to keep mowed and trimmed so as to minimize the provision of cover and concealment for wildlife.

(8) Signage. Except as modified by the provisions that follow, signs at the airport shall comply with the applicable Town Sign Code, Section 16-242 of this Code.

- a. Signs, if installed, shall be installed at a height visible to taxiing pilots.
- b. Illuminated signs shall be backlit, not by floodlight, and approved as a special use as required by Subsection 16-242(h) of this Code.
- c. Signs may be mounted on the side of a building or over doors.
- d. Signs must conform to the Town code for signage in I-1 zoning districts.
- e. All buildings shall post occupant identification and emergency contact information.
(Ord. 7 §2, 2009)

Secs. 18-296—18-310. Reserved.